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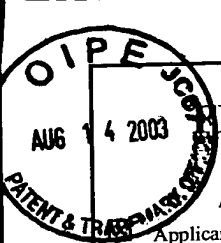
| | | | |
|---|----------------------|------------------------|-------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/350,393 | |
| | Filing Date | July 9, 1999 | |
| | First Named Inventor | Wu | |
| | Group Art Unit | 1638 | |
| | Examiner Name | C. Collins | |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | 19603/2760 (CRF D-2404) |

| ENCLOSURES (check all that apply) | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> A copy of the Notice to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below) |
| Remarks | | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number. |

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TECH CENTER 1600/2900

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual name | Georgia Evans Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1672 Fax: (585) 263-1600 |
| Signature | <i>Georgia Evans</i> |
| Date | August 8, 2003 |

| CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)] | |
|--|---|
| I hereby certify that this correspondence is being: | |
| <input checked="" type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 | |
| <input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____ | |
| August 8, 2003 Date | <i>Ruth R. Smith</i> Signature Ruth R. Smith Typed or printed name |



FREE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

Complete if Known

| | |
|----------------------|-------------------------|
| Application Number | 09/350,393 |
| Filing Date | July 9, 1999 |
| First Named Inventor | Wu |
| Examiner Name | C. Collins |
| Art Unit | 1638 |
| Attorney Docket No. | 19603/2760 (CRF D-2404) |

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TOTAL AMOUNT OF PAYMENT (\$) 625

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 14-1138

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X = 0

Independent Claims -3** = X = 0

Multiple Dependent Claims X = 0

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued) AUG 19 2003

3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 1053 | 130 | 2053 | 130 | Non-English specification |
| 1812 | 2,520 | 2182 | 2,520 | For filing a request for <i>ex parte</i> reexamination |
| 1804 | 920* | 2184 | 920* | Requesting publication of SIR prior to Examiner action |
| 1805 | 1,840* | 2185 | 1,840* | Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month |
| 1401 | 320 | 2401 | 160 | Notice of Appeal |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal |
| 1403 | 280 | 2403 | 140 | Request for oral hearing |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) |
| 1502 | 470 | 2502 | 235 | Design issue fee |
| 1503 | 630 | 2503 | 315 | Plant issue fee |
| 1460 | 130 | 2460 | 130 | Petitions to the Commissioner |
| 1807 | 50 | 2187 | 50 | Processing fee under 37 CFR 1.17(q) |
| 1806 | 180 | 2186 | 180 | Submission of Information Disclosure Stmt |
| 8021 | 40 | 24021 | 40 | Recording each patent assignment per property (times number of properties) |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR 1.129(a)) |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR 1.129(b)) |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) |
| 1802 | 900 | 2802 | 900 | Request for expedited examination of a design application |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 625

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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August 8, 2003
Date

Ruth R. Smith
Signature
Ruth R. Smith
Typed or printed name

SUBMITTED BY

| | | | | | |
|-------------------|----------------------|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Georgia Evans | Registration No. (Attorney/Agent) | 44,597 | Telephone | (585) 263-1672 |
| Signature | <i>Georgia Evans</i> | | | Date | August 8, 2003 |

SEND TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



PATENT
Docket No.: 19603/2760 (CRF D-2404)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Wu et al.)
Serial No. : 09/350,393)
Cnfrm. No. : 7999)
Filed : July 9, 1999)
For : METHOD OF MAKING WATER STRESS OR)
SALT STRESS TOLERANT TRANSGENIC)
CEREAL PLANTS)

Examiner:
C. Collins

Art Unit:
1638

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NOTICE OF APPEAL
AND
REQUEST FOR THREE-MONTH EXTENSION OF TIME

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Primary Examiner's decision dated February 10, 2003, finally rejecting claims 1-17.

Applicants hereby request an extension of time of three months from the due date of May 10, 2003. Enclosed is a check to cover both the \$465.00 extension of time fee and the \$160.00 appeal fee.

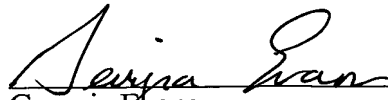
Please charge any additional fees which may be required or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this form is attached.

08/15/2003 JADD01 00000046 09350393

01 FC:2253 465.00 DP
02 FC:2401 160.00 DP

Respectfully submitted,

Dated: August 8, 2003


Georgia Evans
Registration No. 44,597

NIXON PEABODY LLP
Clinton Square, P. O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1671
Facsimile: (585) 263-1600

R705704.1

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Aug 8, 2003 Ruth R. Smith
Date Ruth R. Smith